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THIS IS THE FIRST ISSUE OF A NEW PUBLICATION WHICH WILL PROVIDE PERIODIC REPORTS ON CIVIL RIGHTS LEGISLATION. IT CONTAINS A 1965 STATE-BY-STATE SUMMARY OF NEW LAWS AND LAWS WHICH HAVE BEEN STRENGTHENED TO FURTHER PROTECT CIVIL RIGHTS. MOST OF THESE LAWS PROHIBIT DISCRIMINATION IN HOUSING, HIRING PRACTICES, AND PUBLIC ACCOMMODATIONS. THE REPORT DOES NOT INCLUDE REFERENCES TO DESEGREGATION IN THE SOUTH OR TO LAWS REPEALING STATE LEGISLATION REQUIRING OR PERMITTING RACIAL SEGREGATION. (LB)

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Law

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STATE CIVIL RIGHTS LEGISLATION — 1965

I.

Introduction

The major progress made in developing laws in the federal Congress protecting the right to equality of treatment has been matched by equally spectacular advances in many state legislatures.

Since 1945 more and more states have been adopting laws aimed at securing equality of opportunity in employment, education, housing and in access to places of public recreation and accommodation. The year 1965 witnessed not only a continuation, but even an acceleration of this process.

This first issue of Law is intended to spell out the recent steps taken by state legislatures throughout the country toward enhanced protection of civil rights. Twenty-one states enacted new laws of this type in 1965, and eleven strengthened such laws which were already on their statute books.

Six states, three in the Middle West and three in New England, enacted for the first time laws directed against discrimination in housing, bringing the total number of state laws directed against housing discrimination to seventeen.

Ten states, ranging from Nevada in the West to Maine in the East, adopted fair employment practice laws, bringing the total number of states with such laws to thirty-four. Five states, all west of the Mississippi, finally adopted enforceable laws against discrimination in places of public accommodation, bringing the total number of states with such laws to thirty-five.

A number of states which already had on their statute books laws against discrimination took action to strengthen those laws and to expand their coverage. Thus Colorado, Connecticut, New York and Pennsylvania added to their laws against housing discrimination a provision empowering the courts to issue temporary restraining orders to prevent an owner or operator of housing accommodations from disposing of accommodations which are the subject of a complaint while the enforcing agency has pending before it such complaint.

Kansas, Minnesota, Missouri, New York and Pennsylvania lowered the minimum number of employees needed to make an employer subject to their laws against discrimination in employment.

Progress was not limited to the strengthening of laws against discrimination. Wyoming and Indiana, the only states outside of the South which still had on their statute books laws banning interracial marriage, repealed those laws. Ohio, concerned about renewal of Klan activity within its borders, adopted two laws aimed at policing the Klan. California adopted a law against paramilitary organizations. This was the result of exposure of some of the Radical Right groups which sought to promote vigilante action and training in the use of guns supposedly to prevent threats from the Left.

By no means may it be assumed that every effort to strengthen laws protecting civil rights proved successful. Although fair housing bills were introduced in at least twenty-one states, fair housing laws or amendments strengthening existing laws were adopted in only thirteen states. There were similar failures in connection with efforts to strengthen laws against discrimination in other fields.

On the other hand, efforts by opponents of civil rights laws to impede fair housing laws were rejected in Texas and elsewhere, though in Dayton, Ohio a city charter amendment was adopted which made any proposed fair housing ordinance there subject to referendum vote.

It should be noted in concluding this Introduction that this issue of Law will make no reference to civil rights legislative developments in the states relating to the desegregating processes in the South or to laws repealing state legislation requiring or permitting racial segregation. Reports of such developments have been made available on a bi-monthly basis by Southern Education Report, and there is therefore no need to include such a report in this publication.

II.

Progress, State by State

(1) *Alaska* – Alaska adopted an omnibus bill prohibiting discrimination in employment, public accommodations and housing, a consolidation of various enactments which had been passed in previous years. The 1965 Act adds one new provision banning discriminatory financing practices in housing. No financial institution receiving an application for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or the acquisition or improvement of unimproved property, may 1) discriminate against the applicant because of race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance; or 2) make a written or oral inquiry or record of the race, religion, color or national origin of the person seeking the institution's financial assistance. The State Commission for Human Rights consisting of five Commissioners appointed by the Governor and confirmed by the Legislature is responsible for enforcement. This Commission receives, investigates and passes upon complaints of discrimination. Cease and desist orders issued by the Commission after a hearing are enforceable through court action.

The 1965 Act also strengthened the investigative powers of the Commission by granting it the subpoena power.

(2) *Arizona* – On April 1, 1965, Arizona joined the ranks of states with laws against discrimination in employment (FEPC-laws).

Under the new Arizona Civil Rights Act, a Civil Rights Commission consisting of 7 members was created with power to investigate and deal with complaints of discrimination in employment and in places of public accommodation. Employers of 20 or more persons are barred from discriminating on the basis of race, sex, religious creed, color, ancestry, or national origin. Employment agencies and labor organizations are also barred from such discrimination. If conciliation by the Commission proves ineffective, it may hold a hearing and thereafter issue a cease and desist order against the person complained about. A second offense by a respondent served with such an order will result in the Commission's directing one of its members or the complainant to apply to a Justice of the Peace for further remedy, which may consist of the imposition of a fine of up to $300. Thus under the Arizona law the penalty of a fine can be imposed only against a second offender.

A place of public accommodation is defined as including all public places where food or beverages are sold for consumption on the premises, or which are conducted for the lodging of transients or for the benefit, use or accommodation of those seeking health or recreation, and any establishment which caters or offers its services, facilities or goods to or solicits patronage from the members of the general public.

The Civil Rights Act also prohibits discrimination in the right to vote at any election by or in the state, a county, city, town, school district or any other political subdivision. Enforcement of this ban is also vested in the Civil Rights Commission.

(3) *California*–The State of California on July 7, 1965 amended its education code to provide that elementary and secondary school courses in American and California history must insure that they portray correctly the role and contribution made to the history of our country and to their state by American Negroes and members of other minority groups.

California also adopted a law on June 13, 1965 directed against paramilitary organizations. Such organizations are defined as any other than a federal or state agency, or private school under state supervision, which instructs or trains in guerrilla warfare or sabotage. The law makes it a crime for two or more persons to assemble as a paramilitary organization in order to practice with weapons. Violation is punishable by imprisonment of up to one year, or a fine of up to $1000, or both.

(4) *Colorado*–Colorado adopted a number of laws aimed at improved protection of civil rights. Its Fair Housing Law was amended to make it applicable to all housing including commercial space publicly offered for sale or lease. The sole housing still exempt from coverage by the law is the rental of a room or rooms in single family dwellings.

The Colorado Civil Rights Commission, the agency responsible for enforcement of the state's anti-discrimination laws, has been given authority to obtain an injunction in the courts to prevent a respondent charged with discrimination in housing from selling or renting the property to an innocent third party pending a decision on the complaint. In addition, a person charging he is the victim of housing discrimination may seek damages in a separate civil action if the Civil Rights Commission

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has issued a cease and desist order with which the person charged with discrimination has failed to comply.

In case of such a civil suit for damages, the court is not limited to giving the plaintiff a judgment for his damages, but may, where it is appropriate, order the defendant to sell or lease or transfer to the plaintiff housing similar to that which was the subject of the complaint.

In addition, the Colorado Legislature adopted a law barring discrimination because of race, color, national origin or ancestry in the size, placement, location, sale or transfer of any cemetery, grave space, niche or crypt, or in the interment of any deceased person. The law does make an exception for cemeteries maintained by religious or fraternal organizations.

(5) *Connecticut*—The State of Connecticut strengthened its Fair Housing Law by authorizing the Civil Rights Commission to apply to a State Circuit Court for an injunction to prevent a person charged with discrimination in housing from divesting himself of the housing which is the subject of the complaint, pending the Commission's determination of the matter.

To protect a respondent who is innocent, the Commission must be required by the court to put up a bond to be used to compensate such respondent for any harm he suffers as a result of the complaint.

The Judge to whom the application for an injunction is made is specifically authorized to hear arguments on the merits of the complaint. If he finds that the complaint has merit, he returns the case to the Commission for further handling. The Commission may then continue its investigation and adjustment of the matter by conciliation, or take such other action as it deems proper.

The new law also provides that a property owner complained against may not dispose of his property after he has been served with notice of a hearing on the injunction application, but must wait until the Judge has rendered a decision.

Another amendment provides that discrimination in housing and in places of public accommodation on the basis of national origin and ancestry is prohibited. Previously the law had barred discrimination in these areas only if it was based on race, creed or color.

The Connecticut ban on discrimination in employment was strengthened by authorizing the Commission on Civil Rights to subpoena the records of an employer charged with discrimination in employment. In addition, a law was enacted to require that every contract between the state and its suppliers include a clause in which the contractor guarantees he will not permit any form of discrimination prohibited by federal or state laws.

Another law enacted by the Legislature makes it a crime for any association, board or other organization devoted to the furthering of the profesional or occupational interests of its members, to refuse to accept a person as a member of such association, board, or organization because of his race, creed, or color. (Only professions and occupations requiring a state license are covered.) Organizations found guilty of such practices may be fined not less than $100, and not more than $500. In addition, the aggrieved person may file a complaint with the Civil Rights Commission.

Finally, on December 14, 1965 the voters of Connecticut by a better than 2 to 1 majority approved a new State Constitution which includes an Equal Protection clause similar to that of the XIVth Amendment to the United States Constitution. The provision expressly prohibits any segregation or discrimination in the exercise or enjoyment of a person's civil or political rights because of religion, race, color, ancestry or national origin. The voters defeated another proposed constitutional amendment which would have made it more difficult for state authorities to use eminent domain for public purposes such as low-income public housing.

(6) *Illinois*—Illinois adopted legislation permitting the Equal Employment Opportunity Commission, the federal agency enforcing Title VII of the Civil Rights Act of 1964, to make use of the staff and facilities of the Illinois Fair Employment Practice Commission. At the same time it amended its State Fair Employment Practices Act to make it clear that under the Act an employer may use professionally developed ability tests in connection with his employment procedure, if the test is not designed, intended or used to discriminate because of race, color, religion, national origin or ancestry.

This amendment was the result of a complaint involving an Illinois electronics manufacturer in which the issue was whether such a test had been properly used.

In addition, Illinois increased the budget of its State Commission on Human Relations from $101,250 to $325,000.

(7) *Indiana*—Indiana joined the ranks of the states with laws against discrimination in private housing. It authorized the agency enforcing its law against discrimination to receive and handle complaints of housing discrimination. It declared the public policy of the state to be to grant all citizens equal opportunity to acquire real property including housing through purchase or rental.

Cease and desist orders directed against such discrimination may be issued with respect to all non-owner-occupied housing. Dwellings in which the owner resides are exempted only if such dwellings have 3 or fewer housing units.

Indiana also repealed its law prohibiting intermarriage between Negroes and whites.

(8) *Iowa*—In 1965, Iowa adopted a law against discrimination in employment and in places of public accommodations. The statute creates an Iowa Civil Rights Commission which is authorized to investigate and study the existence, character, causes and extent of discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools and housing.

The Commission is authorized to seek to eliminate discrimination in

these areas by means of education and conciliation. Its enforcement powers were limited, however, to discrimination in employment and public accommodations. When it receives complaints of discrimination in these fields, it may investigate them and if necessary hold hearings, subpoena witnesses and issue cease and desist orders. Any person aggrieved by such an order may, however, apply to a court for review, which then tries the case *de novo*. The court, since it is hearing the case from scratch, may receive additional testimony and it may then affirm, modify or reverse the Commission's order.

The Commission's authority in employment discrimination cases applies to employers of 4 or more persons, employment agencies, and labor organizations. The Commission's power over discrimination in places of public accommodation extends to any place "that caters or offers services, facilities or goods to the general public for a fee or charge." Places which offer such services without charge are subject to the ban on discrimination if they receive substantial government support or subsidy.

(9) *Kansas*—Kansas amended its existing state law against discrimination in employment and in places of public accommodation to make it applicable to employers of 4 or more persons. Previously its law had applied only to employers of 8 or more persons.

In addition, the Commission on Civil Rights is authorized to apply to a court for a subpoena against a person charged with violations of the Act. The same amendment authorizes the Commission to apply to a court for enforcement of conciliation agreements in addition to cease and desist orders. At the same time the statute was amended to permit a court hearing on appeal from a Commission decision granting a cease and desist order to try the case *de novo*.

The law previously had followed the usual pattern of permitting appeal only on the basis of the record made in the hearings before the Commission itself. Thus the effect of this change is to permit possible additional delay because the entire case must be re-heard by the court.

Kansas also expanded its statute barring discrimination in places of public accommodation to make it applicable to such discrimination in bars, taverns, barbershops, beauty parlors, theaters, skating rinks, bowling alleys, billiard parlors, amusement and recreation parks, swimming pools, lakes, gymnasiums, mortuaries, cemeteries which are open to the public, and public transportation facilities. Before the enactment of this amendment, the Kansas law against discrimination in places of public accommodation covered only hotels, motels, cabin camps and restaurants.

(10) *Maine*—Maine, like Indiana, joined the ranks of states prohibiting discrimination in housing in 1965. Maine's statute on this subject is limited to discrimination in rental housing. Exempted from its coverage is the rental of a unit in an owner-occupied 2-family dwelling and of not more than 4 rooms in an owner-occupied one-family dwelling.

In 1965, Maine also adopted a Fair Employment Practices Act, which declared the opportunity to employment for which an applicant is qualified to be an enforceable civil right.

Maine's law applies to all employers, even to those having one employee. The Commissioner of Labor and Industry is charged with enforcement of the law. He may act on complaints by aggrieved persons or on his own initiative. The Attorney General of the state is also authorized to initiate complaints. Violation of the law is punishable by fines from $100 to $250 for each violation.

(11) *Maryland*—Maryland was one of a group of states which in 1965 adopted Fair Employment Practices Laws following closely in coverage the provisions of Title VII of the federal Civil Rights Act of 1964, the title directed against discrimination in employment. By taking such action it gave itself primary jurisdiction over such complaints of discrimination in employment.

The Maryland law, like Title VII, applies to persons having 25 or more employees, except that during the first 3 years of its operation it applies to employers of 100 or more in the first year, 75 or more in the second year, and 50 or more in the third year.

Like Title VII, Maryland's law against discrimination in employment applies to employment agencies and labor organizations. Enforcement of this law is vested in the existing Commission on Interracial Problems, which since 1963 has been dealing with complaints of discrimination in places of public accommodation.

The Commission may receive and investigate complaints of discrimination and try to adjust them by conciliation. If conciliation fails, the Commission may hold a hearing and issue a cease and desist order enforceable in the courts. The courts may not enforce such an order if the respondent contests the complaint, except upon facts found independently by the court after a hearing and without regard to the findings of the Commission.

If the respondent elects he may, after investigation and conciliation of the complaint, take the case directly to the court, which then proceeds in the matter as it deems fit. The statute also provides that a person found by the court to have made an unfounded complaint with malice is guilty of a misdemeanor.

(12) *Massachusetts*—In 1965, Massachusetts followed the New York pattern in extending its Fair Housing Law to commercial space. In addition, it adopted a law outlawing racial imbalance in public schools. This law requires the State Commissioner of Education, on the basis of reports submitted by the school committee of each city, town and district to decide whether the ratio between white and non-white pupils in any public school differs substantially from the ratio of all schools under the jurisdiction of the school committee.

He must also determine whether such a racial imbalance is educationally disadvantageous to the pupils of such schools. He must find such educational disadvantage whenever the percentage of non-white students in any public school exceeds 50%. If the Commissioner finds educational disadvantage, the school committee must formulate and submit to the Commissioner for approval a plan to eliminate such racial imbalance. The law expressly provides, however, that no child may be compelled to attend a school outside the normal school boundary line established for his neighborhood unless his parents give written consent for such attendance.

If a school committee fails to submit a plan, or if a plan it submitted is disapproved by the Board of Education, the Board must recommend a plan to the school committee. If the school committee doesn't accept the plan recommended by the Board of Education, the State Department of Education must withhold funds from that school district. No Board-recommended plan may require a school committee to transfer pupils from one school to another. Finally, the school committee may petition the court for judicial review of the recommendation of the Board of Education, if it disagrees with it.

(13) *Michigan*—Michigan amended its marriage license form to delete a question as to the color of the applicants.

(14) *Minnesota* — Minnesota amended its law against discrimination in employment to make it applicable to all employers instead of only to employers of 8 or more persons.

It also amended its law against discrimination in housing, employment and places of public accommodation to simplify the procedure thereunder. Under the old procedure two agencies were charged with enforcement functions—the State Commission Against Discrimination and the State Review Board. The 1965 amendment made the State Commission Against Discrimination the sole enforcement agency with authority to receive, investigate, conciliate and pass upon complaints charging discrimination in housing, employment or places of public accommodation. The Commission's cease and desist orders are enforceable in the courts. Under the amendment the respondent, after conclusion of efforts to adjust the matter by conciliation, and at least 5 days prior to the matter being subjected to public hearing, may request that the matter be transferred to the district court for determination. If the respondent makes such a request, the Commission cannot handle the case nor may it conduct a hearing or issue a cease and desist order.

Minnesota also amended its ban on discrimination in places of public accommodation. It abolished previously existing criminal and civil punishment against such discrimination and empowered the State Commission Against Discrimination to enforce the ban on discrimination in places of public accommodation in the same manner in which it handles discrimination in education and housing.

(15) *Missouri*—Missouri amended its FEPC law to take advantage of the provisions of Title VII of the Civil Rights Act of 1964 which gave primary jurisdiction to state FEPC laws over complaints of employment discrimination, where such laws exist.

Missouri had adopted an FEPC law in 1961 applicable to employers of at least 50 persons. The amendment adopted in 1965 broadens the coverage of the law to make it applicable to employers of at least 25 persons, the coverage of Title VII.

The 1965 amendment somewhat limits judicial review, providing that the decision of the Missouri Commission on Human Rights, which enforces the law, may be reversed if the court finds that it is unsupported by competent and substantial evidence upon the whole record. The Missouri FEPC law previously had permitted a *de novo* court review of the entire case.

The Legislature also, for the first time in Missouri, barred discrimination in places of public accommodation. The term, place of public accommodation, includes inns, hotels, motels, restaurants, cafeterias, lunch counters, soda fountains, gasoline stations, theaters, motion picture houses, concert halls and sport arenas. However, beauty parlors and barbershops are expressly exempted. Also exempt are private clubs. Religious groups operating any place of public accommodation are permitted to give preference to members of their own faith in the use of such places. Enforcement of the ban is entrusted to the Missouri Commission on Human Rights.

(16) *Montana*—Montana in 1965 adopted a civil rights law. It specifically declares the right to be free from discrimination because of race, creed, color or national origin to be a civil right and goes on to state that this includes the right to obtain employment without discrimination and the right to the full enjoyment of the accommodations of any place of public accommodation, assemblage or amusement. The Act sets up no administrative enforcement machinery but simply declares violations to be criminal offenses.

The prohibition of employment discrimination applies to every employer. The prohibition of discrimination in places of public accommodation applies to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facility. Institutes, bona fide clubs or places of accommodation which in their nature are distinctly private are exempted from the operation of the law; also educational facilities operated or maintained by bona fide religious institutions are exempted.

(17) *Nebraska* — Nebraska, like Maryland, adopted an FEPC law similar to the provisions of Title VII of the federal Civil Right Act of 1964. It covers employers of 25 or more persons. It bans discrimination by employment agencies and labor organizations. It defines unlawful employment practices in accordance with Title VII. It creates a state Equal Employment Opportunity Commission to receive, investigate

and conciliate complaints, to hold hearings and to issue cease and desist orders subject to review by the courts. The new Nebraska FEPC law also requires the inclusion of anti-discrimination clauses in government contracts.

(18) *Nevada* — Nevada in 1965 adopted a civil rights law prohibiting discrimination in employment and in places of public accommodation.

The ban on employment discrimination applies to employers of 15 or more persons, employment agencies and labor organizations. The definition of "unlawful employment practices" follows closely that of Title VII of the Civil Rights Act of 1964. A Nevada Commission for Equal Rights of Citizenship is charged with enforcement of the law. It may hold hearings and make appropriate findings of fact. If a person found to have violated the law does not cease and desist from such violation within 20 days after he is served with the Commission's findings, it may seek a court injunction to compel compliance.

In cases of discrimination in places of public accommodation additional remedies are available. Such discrimination is declared a misdemeanor punishable as such. The offender may also be held liable to the victim for damages up to $250, to be recovered in a civil action.

(19) *New Hampshire* — New Hampshire adopted an omnibus Civil Rights Act in 1965. It establishes a State Commission for Human Rights charged with enforcement of a ban on discrimination in employment, housing and places of public accommodation. The Commission receives, investigates, conciliates and passes on complaints of discrimination in those fields.

Subject to the ban on discrimination in housing are all buildings containing more than one dwelling. Rental of housing accommodations in an owner-occupied building which contains accommodations for not more than 3 families is exempt, as is the rental of a room or rooms in an owner-occupied housing accommodation.

The provision directed against employment discrimination covers employers of 6 or more persons, employment agencies and labor organizations. The ban on discrimination in places of public accommodation applies to inns, taverns, hotels, restaurants, public conveyances, bath houses, barbershops, theaters and public halls. Victims of such discrimination can either complain to the State Commission for Human Rights, which may issue a cease and desist order, or may seek criminal prosecution of the violator, who is subject to a fine of $10 to $100.

Unfortunately, the Legislature failed to provide an appropriation for the newly created Commission.

(20) *New Jersey* — New Jersey, which already has laws against discrimination in employment, housing and places of public accommodation, added an anti-discrimination provision to the existing law regulating trade practices in insurance and prohibiting unfair and deceptive acts in the insurance field.

The new provision bars insurance companies from discriminating because of race, creed, color, national origin or ancestry in the issuance or renewal of insurance policies or in the fixing of rates charged for such policies. This provision is enforced by the Commissioner of Banking and Insurance, who, after a hearing, may issue a cease and desist order against a violator and seek its enforcement, if necessary, through court action.

(21) *New York*—New York which like New Jersey has long had laws against discrimination in housing, employment, public accommodations, etc., adopted a number of strengthening amendments.

First, the State Commission for Human Rights was given authority to initiate complaints charging violation of the state's law against discrimination.

Second, a law was adopted making it clear that the New York City Commission on Human Rights has concurrent jurisdiction within the city over complaints of discrimination in housing with the State Commission for Human Rights.

Third, a law was adopted which specifically declares that the opportunity to obtain education, access to places of public accommodation, use and occupancy of housing accommodations and commercial space without discrimination because of race, creed, color or national origin is a civil right. Previously under New York State law only the opportunity to obtain employment without discrimination was declared a civil right

Fourth, a violation of the terms of the conciliation agreement entered into between the State Commission for Human Rights and a respondent was declared an unlawful discriminatory practice.

Fifth, a complainant whose case has been dismissed by the investigating Commissioner for lack of probable cause to substantiate the allegations of the complaint, is given the right to apply to the chairman of the Commission for a review of this action.

Sixth, the Commission is specifically authorized to award compensatory damages in appropriate cases.

With respect to housing specifically, the new law empowers the Commissioner investigating such a complaint to apply to the court for a temporary restraining order preventing the respondent from disposing of the real property in question pending final determination of the complaint. The investigating Commissioner may make such an application if he finds that the respondent is taking any action which may tend to render ineffective any order the Commission may enter in the case. If such an application is made, the court after a hearing may grant injunctive relief upon such terms as it believes proper, which may include a requirement that the respondent be given security for his costs if the complaint is dismissed.

With respect to employment, the 1965 amendment extends the coverage of the ban on discrimination to employers of 4 or more persons instead of 6 or more persons. It also narrows the previously existing exemption for social, fraternal, charitable and educational institutions. Such

institutions are now barred from discriminating, but religious or denominational institutions are permitted to limit employment or give preference to persons of the same religious denomination, or to make such selection of applicants for employment as is calculated to promote the organization's religious principles.

New York also liberalized its Sunday closing laws to permit the operators of businesses who close on Saturday in observance of the Sabbath to stay open on Sunday if the business is conducted by the proprietor and members of his immediate family and is the proprietor's sole occupation.

(22) *Ohio*—Ohio in 1965 adopted a Fair Housing Law. This law prohibits discrimination with respect to all housing except owner-occupied housing used by not more than 2 families. It also bans discriminatory advertising, as well as discriminatory inquiries, not only with respect to the availability of houses but also with respect to the granting of housing loans.

Finally, the law outlaws "blockbusting," including any representation that the presence of members of a certain race in the neighborhood will have harmful effects. Enforcement of the law is lodged in the Ohio Civil Rights Commission, which was previously established to handle complaints of discrimination in employment and in places of public accommodation.

Ohio adopted two laws directed against the Ku Klux Klan. One bans the wearing of masks on streets, highways, or other public places, providing imprisonment of up to 6 months and a fine of up to $1000 for violations.

The second measure prohibits conspiracies to deprive any person of the equal protection of laws. Violations are punishable by fine of $1000 to $10,000, and imprisonment from one to ten years.

The Ohio State Senate approved a resolution condemning the Ku Klux Klan for acts of terror and violence.

(23) *Pennsylvania*—The Legislature enacted five laws amending the Pennsylvania Human Relations Act of 1955. One amendment provides that when the Pennsylvania Human Relations Commission finds probable cause for a complaint charging discrimination in housing, and when it appears that the housing unit involved in the complaint may be sold, rented, or otherwise disposed of before determination of the case, it may obtain a court injunction restraining the sale, rental, or other disposition of the housing unit. Such an injunction is limited to 30 days. If an extension is necessary, it may be granted at the discretion of the court, but a reasonable bond must be required by the court before it grants such extension.

Another amendment extends the prohibition against job discrimination because of race, color, religious creed, ancestry, age or national origin to employers employing six or more persons. Previously, the prohibition applied only to employers with at least 12 employees. In addition, religious, fraternal, charitable and sectarian corporations and associations employing six or more persons are now prohibited from discriminating in employment because of race, color, age or national origin. Such organizations were previously completely exempt from the ban on discrimination in employment.

A third amendment makes it an unlawful discriminatory practice for any person subject to the Act to fail to post and to exhibit prominently in his place of business any fair practice notice prepared and distributed by the Pennsylvania Human Relations Commission.

The remaining amendments simplify procedure and permit the creation of local Human Relations Commissions.

The Legislature also amended the Pennsylvania Fair Educational Opportunities Act to make it clear that religious educational institutions, while free to use religious criteria in admitting students, may not discriminate against students or applicants for admission on the basis of race, color, ancestry or national origin.

(24) *Rhode Island*—On April 12, 1965, Rhode Island joined the ranks of states with laws against discrimination in housing.

The Rhode Island law applies to all housing, public or private, except rooms let to lodgers in dwellings occupied by the owner or tenant, and apartments offered for rent in 2 or 3 family buildings when one of the apartments is occupied by the owner as his residence.

In addition, the Rhode Island law bars discriminatory advertising and discrimination in connection with housing loans. Enforcement of the law is assigned to the Rhode Island Commission Against Discrimination set up in 1949 to administer the Rhode Island State FEPC law.

The procedure to be used in complaints of housing discrimination is the same as that used in complaints of discrimination in employment.

(25) *Utah*—Utah, like Maryland, adopted a law against discrimination in employment having the same coverage as Title VII of the Civil Rights Act of 1964 with regard to employers of 25 or more persons, employment agencies and labor organizations. The Industrial Commission of Utah is responsible for its enforcement through a newly created arm, the Utah Anti-Discrimination Division. It may receive, investigate, conciliate and pass on complaints charging discrimination in employment, apprenticeship training programs, and in vocational schools. If judicial review of a cease and desist order is sought, the court must try the case *de novo*. If no judicial review is sought, the Industrial Commission may obtain a court decree for enforcement of its order.

Utah also adopted a law against discrimination in business establishments and places of public accommodation. It provides that any such place which engages in discriminatory practices is deemed to be a public nuisance. A victim of such discrimination may complain to the State Attorney General, who must then investigate the matter and seek

to conciliate it. If the Attorney General is unsuccessful, he may then seek to enjoin the nuisance. If the court finds the discrimination proved, it must enjoin the appropriate persons from maintaining or permitting the maintenance of the nuisance.

In addition, the person aggrieved may sue the violator for damages. However, if the establishment charged with discrimination is found to be innocent, it may be awarded all the actual and necessary expenses it incurred in defending the action.

(26) *Wisconsin* – The State of Wisconsin in 1965 adopted a Fair Housing Law. The Fair Employment Division of the Industrial Commission, now redesignated as the Equal Opportunity Division, is authorized to deal with complaints of discrimination in housing in addition to complaints of discrimination in employment. Subject to the ban is all housing including mobile homes, with the exception of owner-occupied buildings containing living quarters for no more than one family, owner-occupied buildings in which single rooms are rented out for occupancy by four or fewer individuals, not members of the owner's family, and buildings with four or fewer dwelling units where at least one unit is occupied by the owner as his residence.

The Industrial Commission may receive, investigate and conciliate complaints. If conciliation is unsuccessful, the Commission may hold a hearing and issue cease and desist orders. If the respondent appeals to the courts, the courts must try the case *de novo*.

A provision of the new law makes it unlawful for any person not having a bona fide intention to avail himself of any right he has under the housing law "for the sole purpose of securing evidence of a discriminatory practice." This ban on testing is made applicable not only to housing but also to testing for discrimination in employment and in places of public accommodation. Violations are punishable by fines up to $200. This provision would discourage even bona fide complainants and make it extremely difficult to carry out surveys and investigations of possible patterns of discrimination. Hence the effectiveness of this law against discrimination is likely to suffer.

(27) *Wyoming* – The Legislature enacted the Wyoming Fair Employment Act of 1965. It prohibits discriminatory employment practices by employers, employment agencies, and labor organizations. Employers of two or more persons are covered; so, too, is the State of Wyoming and its political subdivisions, boards, commissions, departments, institutions and school districts.

Enforcement of the ban on discrimination is by a newly created Fair Employment Commission consisting of three members, one of whom is the Commissioner of Labor and Statistics. The Commission has the power to receive, investigate and pass upon complaints of discrimination in employment. Cease and desist orders issued by the Commission after hearing are enforceable through court action.

The Legislature also finally repealed the law prohibiting marriages between Negroes and whites.

Dear Reader:

This is the first issue of a new ADL publication, LAW. For some time it has been our feeling—one shared by many lay and professional workers in the field of human relations—that there is need for a publication containing periodical reports on major developments in the field of law which have a direct and immediate impact on the areas of primary concern to Jewish civil rights organizations. There is no regular publication which has devoted itself to periodic summaries and analyses on a field-by-field basis of current developments in the use of litigative and legislative means for securing equality of opportunity in the fundamental areas of housing, employment, education, and social accommodations, and for protection of religious freedom and the rights of religious minorities. LAW, it is hoped, will fill this need. The publication is edited by Sol Rabkin, director of ADL's law department, with Paul Hartman, associate director of the law department, as the associate editor.

LAW is not designed as "popular" reading for a mass audience. On the other hand, it is not intended that its readership will be limited to those with legal training. Rather, its purpose is to keep professional community relations workers and the ADL lay leadership informed on important major developments in the areas described above. For this reason, the distribution of LAW is being made to a limited group of people of whom you are one.

Each issue of LAW will be hole-punched so that you can retain it in a convenient binder. Each year, an index will be prepared to facilitate ready reference.

Needless to say, we will welcome your reactions to LAW and your suggestions for future matter.

ARNOLD FORSTER
General Counsel